

FILED

JUL 15 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON

U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ABDURAIM MELANI,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

No. 02-72116

Agency No. A74-800-117

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 11, 2003**
Pasadena, California

Before: KOZINSKI, FERNANDEZ, and RYMER, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Abduraim Melani, an ethnic Albanian, is a native and citizen of Macedonia who entered the United States in November 1995 without inspection. He petitions for review from the dismissal of his appeal by the Board of Immigration Appeals (BIA) denying his request for asylum. We have jurisdiction under 8 U.S.C. § 1105a(a), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). *See Sebastian-Sebastian v. INS*, 195 F.3d 504, 505 n.2 (9th Cir. 1999). We deny the petition.

Melani contends that he established a well-founded fear of future persecution by Macedonian authorities. To establish a well-founded fear of persecution, Melani must demonstrate both a subjective and objective fear. Kataria v. INS, 232 F.3d 1107, 1113 (9th Cir. 2000). Melani fails to satisfy the objective prong, because he did not present “credible, direct, and specific evidence in the record of facts that would support a reasonable fear of persecution.” Id. (citation and internal quotation marks omitted). On the contrary, Melani’s assertion that upon return to Macedonia he would face certain arrest and life imprisonment was contradicted by the State Department Country Reports about the events at Tetovo and the treatment of ethnic Albanians in Macedonia, as well as Melani’s own testimony that the director of the university charged with inciting the riots received only a short sentence. Accordingly, his petition is denied.

PETITION DENIED.